

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ALFRED HOLLAWAY,

Plaintiff,

v.

Civil Action No. 2:23-cv-00004

WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION;
SOUTHERN REGIONAL JAIL; and C.O.
JOHN DOE(S) in their individual and
official capacity as correctional officers,

Defendants/Third-Party Plaintiffs,

v.

PRIMECARE MEDICAL OF WV, INC.; and
JOHN DOE(S) OFFICERS OF THE MIDDLESEX
COUNTY PROSECUTOR'S OFFICE OF NEW JERSEY,
in their individual capacity(ies).

Third-Party Defendants.

MEMORANDUM OPINION AND ORDER

Pending is plaintiff's "Motion for Leave to Amend
Complaint Add Parties," filed on March 14, 2023. ECF 17.

Plaintiff seeks leave to file his first amended
complaint in order "to further specify the assertions in his
claims against the Defendant, add PrimeCare Medical of WV, Inc.
and Jane Doe Primecare Employee as parties, and to remove SRJ as
a party in this matter." ECF 18 at 2. Defendants have filed no

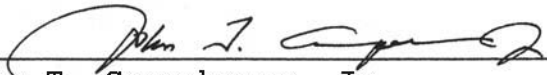
response in opposition, and the time to file a response has passed.

Federal Rule of Civil Procedure 15(a)(2), invoked by plaintiff, provides that a party who can no longer amend a pleading as of right can still amend by obtaining "the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). "The court should freely give leave when justice so requires." Id. In applying Rule 15(a), "[t]he law is well settled that leave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999) (quoting Johnson v. Oroweat Foods Co., 785 F.2d 503, 509 (4th Cir. 1986)).

In the absence of any suggestion by the defendant that the first amended complaint results in undue prejudice or was motivated by bad faith, it is ORDERED that plaintiff's motion be, and it hereby is, granted. The clerk is directed to file the proposed first amended complaint, attached as exhibit A to plaintiff's motion for leave to amend, as the operative complaint in this case.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: April 4, 2023



John T. Copenhaver, Jr.
Senior United States District Judge